

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 12, 2018, the report of the Magistrate Judge was entered (Dkt. #133) containing proposed findings of fact and recommendations that all claims between Plaintiff Dana Bakari, Individually and as Next Friend of J.K.B., a Minor (“Minor Plaintiff”), and Defendant David Eric Casebolt (“Casebolt”) be dismissed with prejudice pursuant to the parties’ Joint Motion

Submitting Proposed Judgment (the “Motion”) (Dkt. #132), and the settlement set forth in the “Compromise Settlement Agreement and Release” (the “Settlement”) (Dkt. #120-1) be approved. The Court notes that Minor Plaintiff is the only remaining Plaintiff in this consolidated action.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that the Joint Motion Submitting Proposed Judgment (the “Motion”) (Dkt. #132) is **GRANTED**, the Settlement is approved, and all of the claims asserted by Minor Plaintiff against Defendant Casebolt are **DISMISSED WITH PREJUDICE**. Each party shall bear its own attorneys’ fees and costs.

It is further **ORDERED, ADJUDGED, AND DECREED** that:

1. Minor Plaintiff J.K.B. shall recover from Defendant Casebolt the total amount of Six Thousand Dollars and no/100 (\$6,000.00), as set forth in the Settlement, out of which sum bills, costs, attorney’s fees, expenses, advances, and any liens incurred or to be incurred in connection with the incident and the injuries resulting therefrom should be paid in accordance with the terms of the Settlement;
2. Minor Plaintiff J.K.B.’s attorney, Kim Cole, shall be paid the sum of \$2,341.79;
3. The remaining sum of \$3,658.21, shall be deposited into the registry of the Court in an interest-bearing account for the use and benefit of Minor Plaintiff J.K.B., until she turns eighteen (18) years old, or until further order of the Court;
4. The Guardian *Ad Litem*, Michele A. Ratcliffe, shall be paid the sum of \$4,332.34, by Defendant Casebolt for fees as Guardian *Ad Litem* for Minor Plaintiff J.K.B., which the Court finds to be reasonable and necessary. The Guardian *Ad Litem*’s

fees should be taxed as costs of court to be paid by Defendant Casebolt directly to Michele A. Ratcliffe within seven (7) days of the entry of final judgment in this matter; and

5. All other costs shall be paid by the party incurring same.

Having previously disposed of all other claims of all other Plaintiffs in this consolidated lawsuit (*see* Dkt. #127), the Court finds that entry of final judgment pursuant to Fed. R. Civ. P. 54 is appropriate.

IT IS SO ORDERED.

SIGNED this 5th day of October, 2018.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE